

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

BROADCAST MUSIC, INC., et al.,

Plaintiffs,

v.

Case No. 8:22-cv-1790-VMC-SPF

TASTE AND SPIRIT, LLC, et al.,

Defendants.

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ORDER

This matter is before the Court on consideration of United States Magistrate Judge Sean P. Flynn's Report and Recommendation (Doc. # 27), filed on April 21, 2023, recommending that Plaintiffs' Motion for Default Judgment (Doc. # 25) be granted.

As of the date of this Order, no objections have been filed and the time for filing objections has lapsed. The Court accepts and adopts the Report and Recommendation, and grants the Plaintiffs' Motion as set forth herein.

Discussion

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v.

Wainwright, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject or modify, in whole or in part, the findings and recommendation. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994).

After conducting a careful and complete review of the findings, conclusions and recommendations, and giving *de novo* review to matters of law, the Court accepts the factual findings and legal conclusions of the magistrate judge. Plaintiffs have established Defendants are liable for copyright infringement as alleged in the complaint and are entitled to damages, as well as attorney's fees and costs.


Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 27) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiffs' Motion for Default Judgment (Doc. # 25) is **GRANTED**.

- (3) The Clerk is directed to enter final default judgment in favor of the Plaintiffs.
- (4) Plaintiffs are awarded \$21,412.35 in damages, as well as \$3,000.00 in attorney's fees and \$625 in costs against Defendants, jointly and severally.
- (5) Post-judgment interest shall accrue pursuant to 28 U.S.C. § 1961.
- (6) Defendants, Taste and Spirit, LLC d/b/a Meadows Village Pub a/k/a The Meadows Village Pub and Tony Tannus, individually and their agents, employees, and all persons acting under their permission or authority are permanently enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by Broadcast Music, Inc.
- (7) The Clerk is directed to close this case.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 10th day of May, 2023.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE